

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

PRAGMATUS AV, LLC,

Plaintiff,

v.

FACEBOOK, INC.,

Defendant.

CASE NO. 2:10-cv-00560-HCM/FBS

**DECLARATION OF JUSTIN P.D. WILCOX IN SUPPORT OF FACEBOOK, INC.’ S
JOINT MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

I, Justin P.D. Wilcox, hereby declare and state as follows:

1. I am an attorney licensed to practice in the Commonwealth of Virginia, where I am an associate at the law firm of Cooley LLP, counsel in the above-captioned matter for Defendant Facebook, Inc. (“Facebook”). This declaration is based on my own personal knowledge. If called upon to testify, I could and would testify competently thereto.
2. Attached as Exhibit 1 is a true and correct copy of Pragmatus AV, LLC’s LLC Data Inquiry from the State Corporation Commission, dated June 9, 2010.
3. Attached as Exhibit 2 is a true and correct copy of an article entitled, “*Myhrvold-Connected Firm Sues YouTube, Facebook and LinkedIn Over Patents*,” dated November 18, 2010 (available at <http://paidcontent.org/article/419-myhrvold-connected-firm-targets-youtube-facebook-linkedin-over-patents/> (last visited Jan. 21, 2011)).

4. Attached as Exhibit 3 is a true and correct copy of the assignments for U.S. Patents 7,421,470 and 7,433,921.
5. Attached as Exhibit 4 is a true and correct copy of excerpts from an IRBSearch comprehensive report regarding Chris Lauwers, dated January 5, 2011.
6. Attached as Exhibit 5 is a true and correct copy of excerpts from an IRBSearch comprehensive report regarding Keith Allen Lantz, dated January 5, 2011.
7. Attached as Exhibit 6 is a true and correct copy of excerpts from an IRBSearch comprehensive report regarding Gerald Burnett, dated January 5, 2011.
8. Attached as Exhibit 7 is a true and correct copy of excerpts from an IRBSearch comprehensive report regarding Lester Ludwig, dated January 5, 2011.
9. Attached as Exhibit 8 is a true and correct copy of excerpts from an IRBSearch comprehensive report regarding Emmett Burns, dated January 6, 2011.
10. Attached as Exhibit 9 is a true and correct copy of Polycom, Inc.'s Second Amended Answer and Counterclaims in *Collaboration Properties, Inc. v. Polycom Inc.*, Case No. 02-04591 MMC (N.D. Cal.), dated June 23, 2003.
11. Attached as Exhibit 10 is a true and correct copy of the Civil Docket Report in *Collaboration Properties, Inc. v. Tandberg Asa, et al.*, Case No. 05-01940-MHP (N.D. Cal.).
12. Attached as Exhibit 11 is a true and correct copy of the Civil Docket Report in *Collaboration Properties, Inc. v. Polycom Inc.*, Case No. 02-04591 MMC (N.D. Cal.).
13. Attached as Exhibit 12 is a true and correct copy of Tandberg's Memorandum of Points and Authorities in Support of their Motion to Amend Their Answer in

Collaboration Properties, Inc. v. Tandberg Asa, et al., Case No. 05-01940-MHP
(N.D. Cal.), dated December 4, 2006.

14. Attached as Exhibit 13 is a true and correct copy of the Court's Memorandum and Order regarding the Defendants' Motion to Amend their Answer and Counterclaims in *Collaboration Properties, Inc. v. Tandberg Asa, et al.*, Case No. 05-01940-MHP (N.D. Cal.), dated January 25, 2007.
15. Attached as Exhibit 14 is a true and correct copy of the Federal Circuit's Order on the Petition for Writ of Mandamus, *In re Microsoft Corp.*, Misc. No. 944, slip op. (Fed. Cir. Jan. 5, 2011).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that this declaration was executed by me on this 21st day of January 2011, at Reston, Virginia.

/s/ *Justin P.D. Wilcox*
Justin P.D. Wilcox

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of January, 2011, I will electronically file the foregoing DECLARATION OF JUSTIN P.D. WILCOX IN SUPPORT OF FACEBOOK, INC.'S JOINT MOTION TO TRANSFER VENUE PURSUANT TO 28 U.S.C. § 1404(a) with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

Mark W. Wasserman (VSB #22638)
Matthew R. Sheldon (VSB #41892)
Counsel for Plaintiff, Pragmatus AV, LLC
REED SMITH LLP
3110 Fairview Park Drive
Suite 1400
Falls Church, Virginia 22042
Telephone: (703) 641-4229
Facsimile: (703) 641-4340
mwasserman@reeds.com
msheldon@reeds.com

/s/ Justin P.D. Wilcox

Justin P.D. Wilcox (Va. Bar No. 66067)
jwilcox@cooley.com
COOLEY LLP
One Freedom Square, Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5656
Telephone: 703.456.8000
Facsimile: 703.456.8100

Attorneys for Facebook, Inc.